

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

RONNIE-LOUIS-MARVEL:
KAHAPEA

PLAINTIFF

V.

CIVIL ACTION NO. 2:19-mc-185-KS-MTP

HAWAII STATE FEDERAL
CREDIT UNION; BANK OF
AMERICA; and DAVE SMITH
MOTORS

DEFENDANTS

ORDER TO SHOW CAUSE

This matter is before the Court *sua sponte*. On November 20, 2019, Ronnie-Louis-Marvel: Kahapea, proceeding *pro se*, filed a Special Action for Confirmation of Arbitration Award/Application for Confirmation and Enforcement of Arbitration Award [1]. In this action, he seeks to confirm an arbitration award against Hawaii State Federal Credit Union, Dave Smith Motors, and Bank of America.¹ He contends there is jurisdiction under 28 U.S.C. § 1332 based on the diversity of the parties. [1] at p. 2. However, Mr. Kahapea states in his pleading that he is a resident of Volcano, Hawaii and that “Adverse Party Hawaii State Federal Credit Union has offices and resides in Honolulu, Hawaii 96808.”

Actions seeking confirmation of arbitration awards pursuant to 9 U.S.C. § 9 must state an independent basis for federal jurisdiction. *See Wisc. Comm’r of Ins. v. Cal. Reinsurance Mgt. Corp.*, 819 F. Supp. 797, 800 (E.D. Wisc. 1993) (citing numerous federal court decisions that have held that the jurisdictional requirements contained in 9 U.S.C. § 4 apply to proceedings brought under 9 U.S.C. § 9). To invoke diversity jurisdiction under 28 U.S.C. §

¹ Mr. Kahapea has also filed a Motion for Order of Service, seeking an Order directing the U.S. Marshals to serve notice of this proceeding on the Defendants. [2].

1332, as Mr. Kahapea purports to do, there must be complete diversity. “Complete diversity ‘requires that all persons on one side of the controversy be citizens of different states than all persons on the other side.’” *Harvey v. Grey Wolf Drilling Co.*, 542 F.3d 1077, 1079 (5th Cir. 2008) (quoting *McLaughlin v. Mississippi Power Co.*, 376 F.3d 344, 353 (5th Cir. 2004). Because Mr. Kahapea and Hawaii State Federal Credit Union are both citizens of the state of Hawaii, there does not appear to be complete diversity.

Therefore, it is hereby ORDERED that Ronnie-Louis-Marvel: Kahapea shall show cause in writing why his Application for Confirmation and Enforcement of Arbitration Award complaint should not be dismissed for lack of subject matter jurisdiction. Mr. Kahapea’s response to this Order shall be due by **December 27, 2019**.

Plaintiff is cautioned that failure to respond to this Order in a timely fashion may result in the dismissal of his lawsuit for lack of subject matter jurisdiction.

SO ORDERED AND ADJUDGED this 5th day of December 2019.

s/Keith Starrett
KEITH STARRETT
UNITED STATES DISTRICT JUDGE